

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JERRY D. SELLERS, JR.,

Petitioner,

v.

CASE NO. 19-3074-SAC

MARTY SAUERS,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The Court conducted an initial review of the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and on September 20, 2019, the Court ordered Respondent to file within the following 30 days a limited Pre-Answer Response addressing certain affirmative defenses or to notify the Court that he does not intend to raise any of these defenses. (Doc. 7.)

Respondent has not filed a PAR. Thus, the Court will direct the clerk of court to transmit to Respondent a copy of the Courts September 20, 2019, order. The Court will direct Respondent to file a PAR limited to addressing the affirmative defenses of timeliness under 28 U.S.C. § 2244(d), exhaustion of state court remedies under 28 U.S.C. § 2254(b)(1)(A), and procedural default. If Respondent does not intend to raise any of these defenses, he shall notify the Court of that decision in the PAR. Upon the filing of the PAR, Petitioner may reply and may provide any information that may be relevant to any defenses identified in the PAR.

**IT IS, THEREFORE, BY THE COURT ORDERED** that the clerk of court shall transmit to Respondent a copy of the Court's September 20, 2019, Order for Pre-Answer Response. Respondent is granted thirty (30) days from the date of this order to file a Pre-Answer Response that complies with this order. Petitioner is granted thirty (30) days from the filing of the Pre-Answer Response to file a reply if he desires.

**IT IS SO ORDERED.**

DATED: This 21<sup>st</sup> day of June, 2021, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge